



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/499,592	02/07/00	JACKSON J	M-7876 US

024251 QM12/1031  
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EXAMINER

JONES, S

ART UNIT PAPER NUMBER

3713

DATE MAILED: 10/31/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

TA

**Office Action Summary**

Application No.

09/499,592

Applicant(s)

JACKSON ET AL.

Examiner

Scott E. Jones

Art Unit

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-- **Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Pri rity under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Potter et al.

Potter et al. (U.S. 5,951,011) discloses methods of progressive jackpot gaming wherein players are offered multiple chances to enter into a progressive jackpot wagering game during each hand. Potter additionally discloses:

Regarding Claims 1 and 15:

- a plurality of progressive jackpots comprising at least a first jackpot (progressive jackpots) and a second jackpot (super progressive jackpot), the first jackpot being enabled for winning by a player betting a first monetary amount and obtaining a jackpot symbol combination, said second jackpot being enabled for winning by the player betting a secondary monetary amount and obtaining a jackpot symbol combination, and an award identifier identifying a payment to the player for winning combinations of symbols, including one or more of the jackpots for a jackpot symbol combination (Abstract, Column 2, lines 23-44, Column 3, line 8-Column 8, line 67, and Figs. 1, 3 and 4).

Regarding Claims 5 and 19:

- the first jackpot (progressive jackpots) is accumulated at X percent of monetary amounts received by the gaming system, and the second jackpot is accumulated at Y percent of the monetary amounts received by the gaming system, wherein Y is greater than X (Column 3, line 8-Column 8, line 67).

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Regarding Claim 6:

- the award identifier identifies the payment to the player of at least the total of the first jackpot and the second jackpot for a jackpot symbol combination when the player has bet the secondary monetary amount (Abstract, Column 2, lines 23-44, Column 3, line 8-Column 8, line 67, and Figs. 1, 3 and 4). If a player provides a token at each opportunity for a progressive jackpot wager, that player can win the maximum progressive jackpot and the super progressive jackpot.

Regarding Claims 7 and 8:

- the award identifier identifies a payment to the player of the second jackpot, but not the first jackpot, for a jackpot symbol combination when the player has bet the second monetary amount (Abstract, Column 2, lines 23-44, Column 3, line 8-Column 8, line 67, and Figs. 1, 3 and 4). If a player only provides a token at the second subsequent opportunity (Table C, Column 6) for a progressive jackpot wager, that player can potentially win only 5% of the progressive jackpot, rather than potentially 100 % of the progressive jackpot if the player had provided a token at each opportunity for a progressive jackpot wager. Additionally, depending on how many coins a player provides (at least three) during the game, there are at least three different jackpot values that can be ascertained.

Potter does not seem to explicitly disclose those features described in claims 2-4, 9-14, 16-18, and 20-22.

However, one having ordinary skill in the art knows that card games, such as poker, can be simulated in a slot machine. Additionally, each of the limitations described in claims 2-4, 9-14, 16-18, and 20-22 are well known in the slot machine gaming art.

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Therefore, it would have been obvious, to one having ordinary skill in the art, at the time of the applicant's invention, to simulate Potter's card game in a slot machine. Doing so would enable a player to win all or a portion of a progressive jackpot upon the player being dealt a high-ranking poker hand via conventional slot machine or video poker machine techniques.

***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Suttle et al. '134, Canon '144, Olsen '275, Horan '596, Maahs et al. '347, Wood et al. '619, Celona '700, and McCrea, Jr. '012 disclose game systems and methods having progressive jackpot features.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott E. Jones whose telephone number is (703) 308-7133. The examiner can normally be reached on Monday - Friday, 8:30 A.M. - 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (703) 308-1118. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3579 for regular communications and (703) 305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1118.

Scott E. Jones  
Examiner  
Art Unit 3713

SEJ

sej

October 29, 2001



**MICHAEL O'NEILL  
PRIMARY EXAMINER**

**Attachment for PTO-948 (Rev. 03/01, or earlier)**  
**6/18/01**

**The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.**

**INFORMATION ON HOW TO EFFECT DRAWING CHANGES**

**1. Correction of Informalities -- 37 CFR 1.85**

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

**2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.**

All changes to the drawings, other than informalities noted by the Draftsperson **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made other than correction of informalities unless the examiner has approved the proposed changes.

**Timing of Corrections**

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.